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*Attorneys for Defendant Metropolitan
Life Insurance Company*

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GINA GROSS-RUBIO, an individual,

Plaintiff,

vs.

METROPOLITAN LIFE INSURANCE
COMPANY, a New York Corporation; DOES I
through X, Inclusive; and ROE
CORPORATIONS XI through XX, Inclusive,

Defendants.

CASE NO. 2:12-C V-01281-RFB-GWF

**STIPULATION AND ORDER FOR
DISMISSAL WITH PREJUDICE**

METROPOLITAN LIFE INSURANCE
COMPANY, a New York Corporation,

Counterclaimant,

vs.

GINA GROSS-RUBIO, an individual,

Counterdefendant.

The parties have settled the pending lawsuit relating to Gross-Rubio's disability claim under the 24- month "own occupation" period, and Gross-Rubio's associated claim for attorneys' fees. Accordingly, the parties stipulate to dismissal of this action with prejudice.

The parties agree, however, that MetLife has not fully addressed Gross-Rubio's claim under the "any occupation" standard applicable beyond the initial 24-month period. Gross-Rubio has submitted a claim for disability benefits governed by the "any occupation" definition of

1 disability. MetLife will review this claim in accordance with the Plan provisions, including the
2 “any occupation” definition, and any other applicable limitations under the policy or law. Should
3 Gross-Rubio disagree with MetLife’s determination, she will retain full appeal rights from that
4 determination. The dismissal of this lawsuit shall not prejudice Gross-Rubio’s right to seek
5 benefits under the “any occupation” definition of disability or pursue any administrative or legal
6 remedies relating to those separate benefits.

7 RESPECTFULLY SUBMITTED this 2nd day of July, 2018.

8 CLIFF W. MARCEK, P.C.

LEWIS ROCA ROTHGERBER LLP

9 By /s/Cliff W. Marcek
10 Cliff W. Marcek, Esq.
11 *Attorney for Plaintiff*

By /s/Todd Erb
Todd Erb
12 *Attorney for Defendant Metropolitan Life*
13 *Insurance Company*

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15 IT IS SO ORDERED:

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18 RICHARD F. BOULWARE, II
19 United States District Court
20 DATED: July 5, 2018.
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